

1-1 By: Zaffirini, et al. S.B. No. 840
 1-2 (In the Senate - Filed February 13, 2017; February 27, 2017,
 1-3 read first time and referred to Committee on Veteran Affairs &
 1-4 Border Security; April 11, 2017, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 6,
 1-6 Nays 0; April 11, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 840 By: Huffines

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain images captured by an unmanned aircraft.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 423.002(a), Government Code, is amended
 1-22 to read as follows:
 1-23 (a) It is lawful to capture an image using an unmanned
 1-24 aircraft in this state:
 1-25 (1) for the purpose of professional or scholarly
 1-26 research and development or for another academic purpose by a
 1-27 person acting on behalf of an institution of higher education or a
 1-28 private or independent institution of higher education, as those
 1-29 terms are defined by Section 61.003, Education Code, including a
 1-30 person who:
 1-31 (A) is a professor, employee, or student of the
 1-32 institution; or
 1-33 (B) is under contract with or otherwise acting
 1-34 under the direction or on behalf of the institution;
 1-35 (2) in airspace designated as a test site or range
 1-36 authorized by the Federal Aviation Administration for the purpose
 1-37 of integrating unmanned aircraft systems into the national
 1-38 airspace;
 1-39 (3) as part of an operation, exercise, or mission of
 1-40 any branch of the United States military;
 1-41 (4) if the image is captured by a satellite for the
 1-42 purposes of mapping;
 1-43 (5) if the image is captured by or for an electric or
 1-44 natural gas utility:
 1-45 (A) for operations and maintenance of utility
 1-46 facilities for the purpose of maintaining utility system
 1-47 reliability and integrity;
 1-48 (B) for inspecting utility facilities to
 1-49 determine repair, maintenance, or replacement needs during and
 1-50 after construction of such facilities;
 1-51 (C) for assessing vegetation growth for the
 1-52 purpose of maintaining clearances on utility easements; and
 1-53 (D) for utility facility routing and siting for
 1-54 the purpose of providing utility service;
 1-55 (6) with the consent of the individual who owns or
 1-56 lawfully occupies the real property captured in the image;
 1-57 (7) pursuant to a valid search or arrest warrant;
 1-58 (8) if the image is captured by a law enforcement
 1-59 authority or a person who is under contract with or otherwise acting
 1-60 under the direction or on behalf of a law enforcement authority:

2-1 (A) in immediate pursuit of a person law
2-2 enforcement officers have reasonable suspicion or probable cause to
2-3 suspect has committed an offense, not including misdemeanors or
2-4 offenses punishable by a fine only;

2-5 (B) for the purpose of documenting a crime scene
2-6 where an offense, not including misdemeanors or offenses punishable
2-7 by a fine only, has been committed;

2-8 (C) for the purpose of investigating the scene
2-9 of:

2-10 (i) a human fatality;
2-11 (ii) a motor vehicle accident causing death
2-12 or serious bodily injury to a person; or
2-13 (iii) any motor vehicle accident on a state
2-14 highway or federal interstate or highway;

2-15 (D) in connection with the search for a missing
2-16 person;

2-17 (E) for the purpose of conducting a high-risk
2-18 tactical operation that poses a threat to human life; [~~or~~]

2-19 (F) of private property that is generally open to
2-20 the public where the property owner consents to law enforcement
2-21 public safety responsibilities; or

2-22 (G) of real property or a person on real property
2-23 that is within 25 miles of the United States border for the sole
2-24 purpose of ensuring border security;

2-25 (9) if the image is captured by state or local law
2-26 enforcement authorities, or a person who is under contract with or
2-27 otherwise acting under the direction or on behalf of state
2-28 authorities, for the purpose of:

2-29 (A) surveying the scene of a catastrophe or other
2-30 damage to determine whether a state of emergency should be
2-31 declared;

2-32 (B) preserving public safety, protecting
2-33 property, or surveying damage or contamination during a lawfully
2-34 declared state of emergency; or

2-35 (C) conducting routine air quality sampling and
2-36 monitoring, as provided by state or local law;

2-37 (10) at the scene of a spill, or a suspected spill, of
2-38 hazardous materials;

2-39 (11) for the purpose of fire suppression;

2-40 (12) for the purpose of rescuing a person whose life or
2-41 well-being is in imminent danger;

2-42 (13) if the image is captured by a Texas licensed real
2-43 estate broker in connection with the marketing, sale, or financing
2-44 of real property, provided that no individual is identifiable in
2-45 the image;

2-46 (14) [~~of real property or a person on real property~~
2-47 ~~that is within 25 miles of the United States border,~~
2-48 [~~(15)~~] from a height no more than eight feet above
2-49 ground level in a public place, if the image was captured without
2-50 using any electronic, mechanical, or other means to amplify the
2-51 image beyond normal human perception;

2-52 (15) [~~(16)~~] of public real property or a person on
2-53 that property;

2-54 (16) [~~(17)~~] if the image is captured by the owner or
2-55 operator of an oil, gas, water, or other pipeline for the purpose of
2-56 inspecting, maintaining, or repairing pipelines or other related
2-57 facilities, and is captured without the intent to conduct
2-58 surveillance on an individual or real property located in this
2-59 state;

2-60 (17) [~~(18)~~] in connection with oil pipeline safety and
2-61 rig protection;

2-62 (18) [~~(19)~~] in connection with port authority
2-63 surveillance and security;

2-64 (19) [~~(20)~~] if the image is captured by a registered
2-65 professional land surveyor in connection with the practice of
2-66 professional surveying, as those terms are defined by Section
2-67 1071.002, Occupations Code, provided that no individual is
2-68 identifiable in the image; or

2-69 (20) [~~(21)~~] if the image is captured by a professional

3-1 engineer licensed under Subchapter G, Chapter 1001, Occupations
3-2 Code, in connection with the practice of engineering, as defined by
3-3 Section 1001.003, Occupations Code, provided that no individual is
3-4 identifiable in the image.

3-5 SECTION 2. The change in law made by this Act applies only
3-6 to an offense committed on or after the effective date of this Act.
3-7 An offense committed before the effective date of this Act is
3-8 governed by the law in effect on the date the offense was committed,
3-9 and the former law is continued in effect for that purpose. For
3-10 purposes of this section, an offense was committed before the
3-11 effective date of this Act if any element of the offense occurred
3-12 before that date.

3-13 SECTION 3. This Act takes effect September 1, 2017.

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